

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

STATE OF TEXAS,
CARMEN ROBLES FROST,

Plaintiffs,

v.

XAVIER BECERRA, in his official capacity as
Secretary of Health and Human Services;
RACHEL LEVIN, in her official capacity as
Assistant Secretary for Health; LYNN
ROSENTHAL¹, in her official capacity as
Deputy Assistant Secretary for Population
Affairs; OFFICE OF THE ASSISTANT SECRETARY
FOR HEALTH; U.S. DEPARTMENT OF HEALTH &
HUMAN SERVICES; UNITED STATES OF
AMERICA,

Defendants.

Civil Action No. 2:24-cv-159-Z

DEFENDANTS' MOTION TO DISMISS FOR LACK OF JURISDICTION

Defendants hereby move to dismiss for lack of jurisdiction. Fed. R. Civ. P. 12(b)(1). Pursuant to Local Civil Rule 7.1, Defendants are separately submitting a brief in support of this motion.

¹ Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Lynn Rosenthal automatically substitutes for her predecessor, Jessica Swafford Marcella, in her official capacity as Deputy Assistant Secretary for Population Affairs.

Dated: October 4, 2024

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

MICHELLE BENNETT
Assistant Branch Director

/s/ Amber Richer

AMBER RICHER (CA Bar No. 253918)

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